

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Image \$ RCE 2882



## REQUEST

FOR

## CONTINUED EXAMINATION (RCE)

## TRANSMITTAL

Address to:  
 Mail Stop RCE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

|                                      |                               |                   |
|--------------------------------------|-------------------------------|-------------------|
| <i>OTE</i>                           | <i>Application Number</i>     | 10/074,067        |
| <i>SC</i>                            | <i>Filing Date</i>            | February 11, 2002 |
| <i>PATENT &amp; TRADEMARK OFFICE</i> | <i>First Named Inventor</i>   | Mule, et al.      |
|                                      | <i>Group Art Unit</i>         | 2882              |
|                                      | <i>Examiner Name</i>          | Thomas R. Artman  |
|                                      | <i>Attorney Docket Number</i> | 62004-1970        |

**This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCE's (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a.  Previously Submitted. IF a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - i.  Consider the amendment(s) reply under 37 CFR 1.116 previously filed on
    - ii.  Other:
  - b.  Enclosed
    - i.  Amendment/Reply
    - ii.  Affidavit(s)/Declaration(s)
    - iii.  Information Disclosure Statement (IDS)
    - iv.  Other:
2. **Miscellaneous**
- a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of      months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required).
  - b.  Other:
3. **Fees**
- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No.
    - i.  RCE fee required under 37 CFR 1.17(e)
    - ii.  Extension of time fee (37 CFR 1.136 and 1.17)
    - iii.  Other:
  - b.  Check in the amount of \$      enclosed.
  - c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |                              |                                   |        |
|-------------------|------------------------------|-----------------------------------|--------|
| Name (Print Type) | Christopher B. Linder, Ph.D. | Registration No. (Attorney/Agent) | 47,751 |
| Signature         |                              | Date                              |        |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

|                   |                              |
|-------------------|------------------------------|
| Name (Print/Type) | Christopher B. Linder, Ph.D. |
| Signature         |                              |

This collection of information is required by 37 CFR 1.114. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1455, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

02/27/2004 CNGUYEN 00000102 10074067

01 FC:1801

770.00 OP

O P A  
FEB 25 2004**FEET TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revisions.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770.00)

**Complete If Known**

|                      |                  |
|----------------------|------------------|
| Application Number   | 10/074,067       |
| Filing Date          | 2/11/02          |
| First Named Inventor | Mule, et al.     |
| Examiner Name        | Thomas R. Artman |
| Group / Art Unit     | 2882             |
| Attorney Docket No.  | 62004-1970       |

**METHOD OF PAYMENT (check all that apply)**

Check     Credit Card     Money Order     Other     None

 Deposit Account

Deposit Account Number

20-0778

Deposit Account Name

Thomas, Kayden, Horstemeyer Risley, L.L.P.

## The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below     Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

**FEES CALCULATION****1. BASIC FILING FEE**

| Large Entity<br>Fee<br>Code | Fee<br>(\$) | Small Entity<br>Fee<br>Code | Fee<br>(\$) | Fee Description        | Fee Paid |
|-----------------------------|-------------|-----------------------------|-------------|------------------------|----------|
| 1001                        | 770         | 2001                        | 385         | Utility Filing Fee     |          |
| 1002                        | 340         | 2002                        | 170         | Design Filing Fee      |          |
| 1003                        | 530         | 2003                        | 265         | Plant Filing Fee       |          |
| 1004                        | 770         | 2004                        | 385         | Reissue Filing Fee     |          |
| 1005                        | 160         | 2005                        | 80          | Provisional Filing Fee |          |
| <b>SUBTOTAL (1)</b>         |             | <b>(\$)</b>                 |             |                        |          |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Extra<br>Claims    | Fee<br>From<br>Below | Fee<br>Paid |
|--------------------|----------------------|-------------|
| Total Claims       | - 20** =             | X 9.00 =    |
| Independent Claims | - 3** =              | X 43.00 =   |
| Multiple Dependent |                      | 145.00 =    |

**Large Entity**

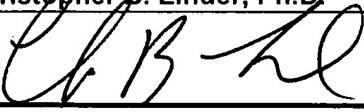
| Large Entity<br>Fee<br>Code | Fee<br>(\$) | Small Entity<br>Fee<br>Code | Fee<br>(\$) | Fee Description   |
|-----------------------------|-------------|-----------------------------|-------------|---|
| 1202                        | 18          | 2202                        | 9           | Claims in excess of 20                                    |
| 1201                        | 86          | 2201                        | 43          | Independent claims in excess of 3                         |
| 1203                        | 290         | 2203                        | 145         | Multiple dependent claim, if not paid                     |
| 1204                        | 86          | 2204                        | 43          | **Reissue independent claims over original patent         |
| 1205                        | 18          | 2205                        | 9           | **Reissue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (2)</b>         |             | <b>(\$)</b>                 |             |   |

\*\*or number previously paid, if greater; For Reissues, see above

**FEES CALCULATION (continued)**

| 3. ADDITIONAL FEES  |             | Large Entity |             | Small Entity |             | Fee Description  | Fee Paid      |
|---------------------|-------------|--------------|-------------|--------------|-------------|--|---------------|
| Fee<br>Code         | Fee<br>(\$) | Fee<br>Code  | Fee<br>(\$) | Fee<br>Code  | Fee<br>(\$) |  |               |
| 1051                | 130         | 2051         | 65          |              |             | Surcharge-late filing fee or oath  |               |
| 1052                | 50          | 2052         | 25          |              |             | Surcharge-late provisional filing fee or cover sheet                       |               |
| 1053                | 130         | 1053         | 130         |              |             | Non-English specification  |               |
| 1812                | 2,520       | 1812         | 2,520       |              |             | For filing a request for ex parte reexamination                            |               |
| 1804                | 920*        | 1804         | 920*        |              |             | Requesting publication of SIR prior to Examiner action                     |               |
| 1805                | 1,840*      | 1805         | 1,840*      |              |             | Requesting publication of SIR after Examiner action                        |               |
| 1251                | 110         | 2251         | 55          |              |             | Extension for reply within first month                                     |               |
| 1252                | 420         | 2252         | 210         |              |             | Extension for reply within second month                                    |               |
| 1253                | 950         | 2253         | 475         |              |             | Extension for reply within third month                                     |               |
| 1254                | 1,480       | 2254         | 740         |              |             | Extension for reply within fourth month                                    |               |
| 1255                | 2,010       | 2255         | 1,005       |              |             | Extension for reply within fifth month                                     |               |
| 1401                | 330         | 2401         | 165         |              |             | Notice of Appeal   |               |
| 1402                | 330         | 2402         | 165         |              |             | Filing a brief in support of an appeal                                     |               |
| 1403                | 290         | 2403         | 145         |              |             | Request for oral hearing   |               |
| 1451                | 1,510       | 1451         | 1,510       |              |             | Petition to institute a public use proceeding                              |               |
| 1452                | 110         | 2452         | 55          |              |             | Petition to revive-unavoidable   |               |
| 1453                | 1,330       | 2453         | 655         |              |             | Petition to revive-unintentional   |               |
| 1501                | 1,330       | 2501         | 665         |              |             | Utility issue fee (or reissue)   |               |
| 1502                | 480         | 2502         | 240         |              |             | Design issue fee   |               |
| 1503                | 640         | 2503         | 320         |              |             | Plant issue fee  |               |
| 1460                | 130         | 1460         | 130         |              |             | Petitions to the Commissioner  |               |
| 1807                | 50          | 1807         | 50          |              |             | Processing fee for provisional application                                 |               |
| 1806                | 180         | 1806         | 180         |              |             | Submission of Information Disclosure Stmt                                  |               |
| 8021                | 40          | 8021         | 40          |              |             | Recording each patent assignment per property (times number of properties) |               |
| 1809                | 770         | 2809         | 385         |              |             | Filing a submission after final rejection (37 CFR § 1.129(a))              |               |
| 1810                | 770         | 2810         | 385         |              |             | For each add. invention to be examined (37 CFR 1.129(b))                   |               |
| 1801                | 770         | 2801         | 385         |              |             | \$770.00   |               |
| 1802                | 900         | 1802         | 900         |              |             | Request for expedited exam. of a design application                        |               |
| Other fee (specify) |             |              |             |              |             |  |               |
| <b>SUBTOTAL (3)</b> |             |              |             |              |             | <b>(\$)</b>  | <b>770.00</b> |

## SUBMITTED BY

|                                    |   |                         |                  |              |
|------------------------------------|---|-------------------------|------------------|--------------|
| Typed or Printed Name<br>Signature | Christopher B. Linder, Ph.D.<br> | Registration No. 47,751 | Telephone Number | 770-933-9500 |
|                                    |   |                         | Date             | 2/23/04      |

**WARNING:** Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 USC 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application Of: Mule, et al.

Serial No.: 10/074,067

Examiner: Thomas R. Artman

Filed: 2/11/02

Group No.: 2882

Confirmation No.: 6679

Docket No.: 062004-1970

For: **Optical Waveguides With Embedded Air-Gap Cladding Layer And Methods Of Fabrication Thereof**

**PRELIMINARY AMENDMENT**

Box: RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In regard to the above-referenced application, the Applicants submit the following preliminary amendments and remarks to be respectively entered and considered prior to examination. Enclosed herewith is a Request for Continued Examination (RCE).

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 20-0778.

## AMENDMENT TRANSMITTAL LETTER (LARGE)

Docket No.

62004-1970

Applicant(s): Mule, et al.

FEB 25 2004

Serial No.  
10/074,067Filing Date  
2/11/02Examiner  
Thomas R. ArtmanConfirmation No.  
6679Group Art Unit  
2882Invention: Optical Waveguides With Embedded Air-Gap Cladding Layer And  
Methods Of Fabrication Thereof

**Commissioner for Patents**  
**Mail Stop RCE**  
**P.O. Box 1450**  
**Alexandria VA 22313-1450**

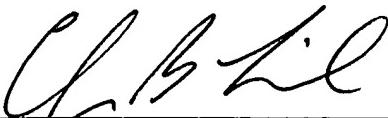
Transmitted herewith is Preliminary Amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below

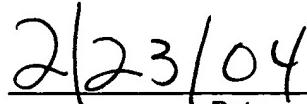
## CLAIMS AS AMENDED

|  | CLAIMS REMAINING<br>AFTER AMENDMENT                     | HIGHEST #<br>PREV. PAID FOR                              | NUMBER EXTRA<br>CLAIMS PRESENT                           | RATE   | ADDITIONAL<br>FEE |
|--|---|--|--|--|-------------------|
| TOTAL CLAIMS   | 15 -  | 27 =   | 0  | X \$9.00   | \$0               |
| INDEP. CLAIMS  | 2 -   | 3 =  | 0  | X \$43.00  | \$0               |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> |   |  |  |  | \$145.00          |
| EXTENSION FEE  | 1 <sup>ST</sup> MONTH <input type="checkbox"/><br>55.00 | 2 <sup>ND</sup> MONTH <input type="checkbox"/><br>210.00 | 3 <sup>RD</sup> MONTH <input type="checkbox"/><br>475.00 | 4 <sup>TH</sup> MONTH <input type="checkbox"/><br>740.00 | \$                |
| Other Fees: RCE  |   |  |  |  | \$770.00          |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT                                  |   |  |  |  | \$770.00          |

- No additional fee is required.  
 Please charge Deposit Account No. in the amount of .  
 A check in the amount of to cover the filing fee is enclosed. A duplicate copy of this page is enclosed.  
 A Credit Card Payment Form PTO-2038 is attached in the amount of \$770.00.  
 The Director is hereby authorized to charge any deficiencies of the above fees or credit any overpayment to Deposit Account No.



Christopher B. Linder, Reg. No. 47,751



Date